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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,840	10/23/2000	David Arsenault	06975-063001	8612
26171	7590	12/05/2003	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			MAURO JR, THOMAS J	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 12/05/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	09/693,840	ARSENault, DAVID
	Examiner	Art Unit
	Thomas J. Mauro Jr.	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 January 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-33 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 23 October 2000 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 are pending. A formal action on the merits of claims 1-33 follows.
2. The priority date used in this office action for examination is October 22, 1999.

Drawings

3. The drawings are objected to because Figure 4A is not of reproduction quality. Under 37 CFR 1.84(1), drawings must be made by a process which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well defined. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Brothers (U.S. 6,438,125).

With respect to claim 1, Brothers teaches a method of processing a browser request specifying a destination network resource [Brothers -- Abstract], the method comprising:

intercepting a browser request that specifies a selected destination network resource [Brothers -- Col. 2 lines 48-50 and Col. 4 lines 20-24 and 52-54 – Web traffic monitor intercepts browser requests from client and routes to shove server]; and redirecting the browser request to a network server that differs from the destination network resource specified by the browser request [Brothers -- Col. 2 lines 17-20 and Col. 4 lines 52-54 – System redirects browser request to a different destination, i.e. shove server].

With respect to claim 2, Brothers further teaches wherein intercepting the browser request comprises:

routing the browser request to a proxy server including a list of selected network resources [Brothers -- Figure 2, Col. 2 lines 48-50 and 55-60 and Col. 3 lines 64-67 – Col. 4 lines 1-4 – Proxy server, i.e. Web traffic monitor, which contains a predetermined criterion data set, examines data packets from browser request to destination]; comparing the browser request to the list of selected network resources [Brothers -- Col.

4 lines 20-24 and 39-44 – Web traffic monitor determines if request matches predetermined criterion, i.e. compares the request and criterion]; and

intercepting the browser request when the browser request includes one or more of the selected network resources that are specified by the list [Brothers -- Col. 4 lines 52-54 – If specified criterion is met, browser request is intercepted and sent to shove server].

With respect to claim 3, Brothers further teaches wherein redirecting the browser request comprises:

comparing the browser request to a list that includes instructions associated with the destination network resource [Brothers -- Col. 2 lines 21-25 and Col. 4 lines 20-24 and 52-54 – **Browser request is checked against predetermined criteria, which if met, perform the instructions, i.e. redirect, associated with that criterion which are required and inherently present]; and**

performing the instructions associated with the destination network resource [Brothers -- Col. 4 lines 52-54 – **Based upon the predetermined criteria check, system performs instructions associated with original browser request or redirect].**

With respect to claim 4, Brothers further teaches wherein performing the instructions includes displaying content that differs from the destination network resource [Brothers -- Col. 2 lines 21-24 and Col. 4 lines 62-65 – **Browser request is redirected to shove server which causes replacement web page, i.e. different web page than requested page, to be displayed].**

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6. Claims 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yedidia et al. (U.S. 6,564,243).

With respect to claim 7, Yedidia teaches a method of processing a browser request specifying a destination network resource, comprising:

intercepting a browser request received from a client computer at a proxy server if the browser request specifies a selected destination network resource [**Yedidia -- Figures 2 and 3, Col. 2 lines 24-25 and Col. 6 lines 25-28 and 31-32 – Data packets are routed through content injector located on intermediate server or ISP, i.e. proxy, and determines if predetermined criteria is specified, i.e. remote host name or destination address**]; and performing instructions associated with an in addition to instructions performed to download the selected destination resource [**Yedidia -- Col. 7 lines 35-45 – Based upon addition policy check, instructions are carried out and external content is added**].

With respect to claim 8, Yedidia further teaches wherein intercepting the browser request comprises:

routing the browser request to the proxy server including a list of selected network resources with associated instructions [**Yedidia -- Col. 2 lines 28-31 and Col. 4 lines 14-20 and 30-32 – Data packets are routed through ISP, i.e. proxy, and through content injector containing addition policy of predetermined criteria**];

comparing the browser request to the list of selected network resources [Yedidia -- Col. 4 lines 30-32 and Col. 6 lines 25-37 – Request is checked against pre-configured addition policy to determine if external content is to be added]; and intercepting the browser request if the browser request includes one or more of the selected network resources that are specified by the list [Yedidia -- Col. 7 lines 35-45 – If addition policy matches browser request, content injector takes over and adds external content].

With respect to claim 10, Yedidia further teaches wherein the performing of instructions comprises:

adding content to the destination network resource [Yedidia -- Col. 7 lines 35-45 – External content is added to the original page requested]; and displaying the destination network resource that includes the added content [Yedidia -- Figure 9B and Col. 8 lines 55-59 – Webpage is displayed with external content as a banner].

With respect to claim 11, Yedidia further teaches wherein performing instructions comprises using a network server that differs from the destination network resource to display content from the destination network resource [Yedidia -- Col. 7 lines 48-54 – Destination network resource content is displayed using proxy server to gather the information, rather than actually directing the request to the destination network resource server].

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7. Claims 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Brothers (U.S. 6,438,125).

With respect to claims 12-15, these are processor claims corresponding to the method claimed in claims 1-4. They have similar limitations; therefore, claims 12-15 are rejected under the same rationale.

8. Claims 18-19 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Yedidia et al. (U.S. 6,564,243).

With respect to claims 18-19 and 21-22, these are processor claims corresponding to the method claims in claims 7-8 and 10-11. They have similar limitations; therefore, claims 18-19 and 21-22 are rejected under the same rationale.

9. Claims 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Brothers (U.S. 6,438,125).

With respect to claims 23-26, these are system claims corresponding to the method claimed in claims 1-4. They have similar limitations; therefore, claims 23-26 are rejected under the same rationale.

10. Claims 29-30 and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Yedidia et al. (U.S. 6,564,243).

With respect to claims 29-30 and 32-33, these are system claims corresponding to the method claims in claims 7-8 and 10-11. They have similar limitations; therefore, claims 29-30 and 32-33 are rejected under the same rationale.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers (U.S. 6,438,125), as applied to claim 3 above, in view of Yedidia et al. (U.S. 6,564,243).

Regarding claim 5, Brothers teaches the invention substantially as claimed, as aforementioned in claim 1 above, but fails to teach adding content to the destination resource and displaying the resource with the added content.

Yedidia, however, teaches adding content to the original browser request [Yedidia -- Col. 7 lines

35-45 – External content is added to the original page requested] and displaying the destination network resource, i.e. web page, along with the added content [Yedidia -- Figure 9B and Col. 8 lines 55-59 – Webpage is displayed with external content as a banner].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the adding and displaying of additional content to network requests, as taught by Yedidia into the invention of Brothers, in order to provide desirable content of interest to the user from a web server in addition to the one requested.

Regarding claim 6, Brothers teaches the invention substantially as claimed, as aforementioned in claim 1 above, but fails to teach using a network server that differs from the destination network resource for displaying content from the destination network resource **[Yedidia -- Col. 7 lines 48-54 – Destination network resource content is displayed using proxy server to gather the information, rather than actually directing the request to the destination network resource server].**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate using a different network server other than the destination network resource to display information from the destination network resource, as taught by Yedidia into the invention of Brothers, in order to provide for faster content display by obtaining the content locally from one server rather than having to be redirected to another server again which adds to the latency and wait time.

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13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yedidia et al. (U.S. 6,564,243), as applied to claim 7 above, in view of Brothers (U.S. 6,438,125).

Regarding claim 9, Yedidia teaches the invention substantially as claimed, as aforementioned in claim 7 above, but fails to teach performing instructions that displays content that differs from the destination network resource.

Brothers, however, teaches redirecting a browser request, after predetermined criteria is met, to a shove server which displays a replacement web page **[Brothers -- Col. 2 lines 21-24 and Col. 4 lines 62-65 – Browser request is redirected to shove server which causes replacement web page, i.e. different web page than requested page, to be displayed].**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate displaying content that differs from an original network resource, as taught by Brothers into the invention of Yedidia, in order to provide valuable and desirable information to the user of some interest to them from a web server other than the one requested.

14. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers (U.S. 6,438,125), as applied to claim 14 above, in view of Yedidia et al. (U.S. 6,564,243).

Regarding claims 16-17, these are processor claims corresponding to the method claimed in claims 5-6. They have similar limitations; therefore, claims 16-17 are rejected under the same rationale.

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15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yedidia et al. (U.S. 6,564,243), as applied to claim 18 above, in view of Brothers (U.S. 6,438,125).

Regarding claim 20, this is a processor claim corresponding to the method claimed in claim 9. It has similar limitations; therefore, claim 20 is rejected under the same rationale.

16. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers (U.S. 6,438,125), as applied to claim 25 above, in view of Yedidia et al. (U.S. 6,564,243).

Regarding claims 27-28, these are system claims corresponding to the method claimed in claims 5-6. They have similar limitations; therefore, claims 27-28 are rejected under the same rationale.

17. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yedidia et al. (U.S. 6,564,243), as applied to claim 29 above, in view of Brothers (U.S. 6,438,125).

Regarding claim 31, this is a system claim corresponding to the method claimed in claim 9. It has similar limitations; therefore, claim 31 is rejected under the same rationale.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kalajan (U.S. 5,941,954) discloses a method for redirecting communication on a network based upon preset parameters.
- Danneels (U.S. 6,038,598) discloses a method for generating multiple sets of web pages with differing content, delivering one based upon given conditions.
- Heitler (U.S. 6,112,212) discloses a method for fetching web pages and based upon given user commands, modifying the web page content to suit the user's specifications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TJM
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11/28/03


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